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93-253

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

DOCKET FILE COPY ORIGINAL

May 18, 1994

RECEIVED

REPLY REFER TO:

JUN 17 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Honorable Richard G. Lugar
United States Senator
1180 Market Tower
10 West Market Street
Indianapolis, Indiana 46204-2964

Dear Senator Lugar:

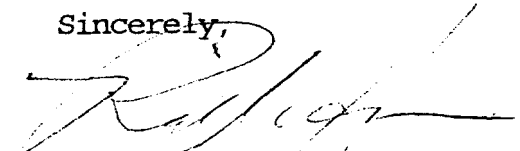
This is in reply to your letter of April 11, 1994, on behalf of your constituent Mr. Bennet R. Miller, President of Tri-County Telephone Company. Mr. Miller is concerned about the opportunity of rural telephone companies to participate in the spectrum auction process of the personal communications services (PCS) under the provisions of the Omnibus Budget Reconciliation Act of 1993 (OBRA). Mr. Miller also called our attention to a summary of positions filed by several independent telephone companies in the Commission's PP Docket No. 93-253. Your letter was referred to me as Chief of the Personal Communications Systems Task Force for the Commission.

On March 8, 1994, the Commission adopted a Second Report and Order in Docket No. 93-253. That proceeding established a general menu of tools designed to assist those entities, including rural telephone companies, identified by Congress as requiring special consideration by the Commission (the "designated entities"). I am pleased to note that the Commission has adopted several of the proposals advocated in the position summary.

The Commission, for example, adopted bidding credits and installment payments for use by designated entities, both of which were suggested in the position summary. Moreover, the Commission will require full payment of a winning bid within five business days following award of a license, the grant of which will be conditioned on this payment, which again is in keeping with the position summary. The Commission also defined a rural telephone company, for the purposes of this proceeding, as a telephone company having no more than 50,000 access lines, and serving communities with a population of no more than 10,000.

We are confident that the measures the Commission has adopted will ensure that rural telephone companies in Texas will be able to participate in the personal communications services marketplace and deliver PCS to their customers. The Commission shares your commitment to the provision of equal and universal access of communications services to all Americans no matter where they live.

Sincerely,



Ralph A. Haller
Chief, PCS Task Force

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DAN COATS
INDIANA

COMMITTEES:
ARMED SERVICES
LABOR AND HUMAN
RESOURCES

United States Senate

WASHINGTON, DC 20510-1403

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RICHARD G. LUGAR
INDIANA

COMMITTEES:
AGRICULTURE
FOREIGN RELATIONS
SELECT INTELLIGENCE
JOINT ORGANIZATION OF
CONGRESS

January 3, 1994

Mr. Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street
Washington, D.C. 20554

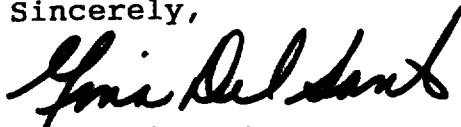
Dear Mr. Hundt:

Senators Richard G. Lugar and Dan Coats recently received the enclosed correspondence from Mr. Bennet R. Miller requesting immediate assistance. Due to the nature of the inquiry, we are forwarding it to you for active consideration.

After you have had the opportunity to review this matter, a response to Senators Lugar and Coats, to my attention, would be appreciated. The address of our Indiana Office is 1180 Market Tower, 10 West Market Street, Indianapolis, Indiana 46204-2964, telephone (317) 226-5555 or FAX (317) 226-5508. It is not necessary to forward a copy of your response to the Washington, D.C. offices.

Thank you for your attention to this matter.

Sincerely,



Gina Del Santo
Special Assistant to
U.S. Senators Richard G. Lugar
and Dan Coats

Enclosure

1180 MARKET TOWER
10 W. MARKET STREET
INDIANAPOLIS, IN 46204-2964
(317) 226-5555

PRINTED ON RECYCLED PAPER



TRI-COUNTY TELEPHONE COMPANY, INC.

120 E. Washington Street
P.O. Box 186
New Richmond, IN 47967-0186
317/339-7221
FAX 317/339-7999

December 17, 1993

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

RE: PP Docket No. 93-253

Dear Mr. Caton,

We are a 3,000 access line rural telephone company operating in west central Indiana. Personal Communications Service (PCS) has the potential of being very helpful to our farmers as they roam about their farms. It can increase their efficiency when ordering parts for a broken combine in the field. PCS could aid in saving the life of sick animals by calling the veterinary from the site of distress livestock.

P. C. S. could even save human lives on the farm by having communications available at the site of an accident. Unfortunately, this new service may not be available to our communities. We are ready to provide this service but the FCC proposals do not readily allow us the opportunity.

We are writing to express our support for the positions and proposals set forth on behalf of small rural telephone companies by various commenters in the above-referenced proceeding. The adoption of these positions and proposals, as summarized in the attachment to this letter, will foster the objectives of the Congressional mandate to ensure the deployment of personal communication services in rural America and the participation of rural telephone companies in the provisioning of these services.

Sincerely,

TRI-COUNTY TELEPHONE CO., INC.

A handwritten signature in cursive script, reading "Bennet R. Miller", is written over the typed name.

Bennet R. Miller
President

BRM/hw

cc: The Honorable Richard G. Lugar
The Honorable Daniel R. Coats
The Honorable John T. Myers



TRI-COUNTY TELEPHONE COMPANY, INC.

120 E. Washington Street
P.O. Box 186
New Richmond, IN 47967-0186
317/339-7224
FAX 317/339-7999

Summary of Positions of Independent Telephone Companies

- # Entities applying to utilize available spectrum as an "intermediate link" between other facilities should only be subject to a competing application by an applicant that proposes to utilize (not resell) the spectrum for a similar purpose.
- # Only open oral (including real-time electronic) bidding should be permitted in order to promote an open, fair process.
- # Smaller bands of spectrum should be auctioned first. Within each block, areas should be auctioned from least to most population.
- # Combined bidding should not be permitted. If permitted, sealed bidders should not be permitted to participate in the oral bidding for the individual licenses.
- # Minimum bids may artificially limit participation of potential service providers.
- # Full payment from all bidders except "designated entities" (i.e., rural telcos, small businesses, and businesses owned by women and minorities) should be a condition of receiving the license.
- # Independents should qualify for a preference based on two factors: as a rural carrier and as a small business. A rural telephone company should be defined as one serving fewer than 50,000 access lines or, alternatively, as one that serves communities with populations less than 10,000.
- # Independents should be eligible for designated entity preferences for licenses in all areas, both inside and outside their telephone service areas.
- # With regard to PCS, rural telcos should be eligible to bid for the channel blocks set aside for designated entity groups. Rural telcos that lose the bid for the set-aside blocks should be permitted to apply to partition the license area prior to construction by the successful bidder.
- # Designated groups should be entitled to certain preferences in bidding for any channel block, including deferred payment of the bid price. Tax credits should be given to any entity that sells spectrum to a designated entity.
- # Consortia eligible for preferences must be under the control of individuals and/or entities that are individually eligible for the preference.
- # Transfers of licenses from one designated entity to another should not be restricted.

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

May 18, 1994

IN REPLY REFER TO:

Honorable Dan Coats
United States Senator
1180 Market Tower
10 West Market Street
Indianapolis, Indiana 46204-2964

Dear Senator Coats:

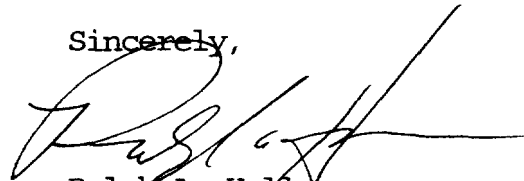
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WASHINGTON, DC 20510-1403

RICHARD G. LUGAR
INDIANA

COMMITTEES:
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JOINT ORGANIZATION OF
CONGRESS

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action
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April 11, 1994

Ms. Lauren Belvin
Director, Congressional Affairs
Federal Communications Commission
1919 M Street
Washington, D.C. 20554

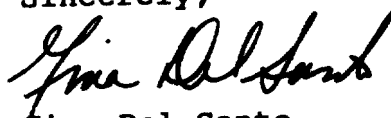
Dear Ms. Belvin:

Attached is a copy of an inquiry the Office of U.S. Senators Richard G. Lugar and Dan Coats forwarded to your office on or about January 4, 1994. It is unclear from our records whether we received a response from your office.

If you responded to our inquiry, I kindly request you to forward a copy of the response to our office and accept my apology for this correspondence.

Thank you for your attention to this matter.

Sincerely,



Gina Del Santo
Special Assistant

Enclosure

1180 MARKET TOWER
10 W. MARKET STREET
INDIANAPOLIS, IN 46204-2964
(317) 226-5555

PRINTED ON RECYCLED PAPER

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Chairman
Federal Communications Commission
1919 M Street
Washington, D.C. 20554

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Bennet R. Miller
President

BRM/hw

cc: The Honorable Richard G. Lugar
The Honorable Daniel R. Coats
The Honorable John T. Myers



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